REMARKS

Prior to this Amendment, claims 1-25 were pending in the application. Claims 1-25 stand rejected pursuant to the final Office action dated November 19, 2002. The Applicant has filed a Notice of Appeal and will file an Appeal Brief in support thereof. By this Amendment, the Applicant is amending claims 11, 16, and 18-20, and canceling claims 15, 24, and 25. Thereby, the present Amendment presents the rejected claims either in condition for allowance or in better form for consideration on appeal. The Applicant respectfully requests entry of the present Amendment.

The Applicant has amended claim 11 to provide proper antecedent basis of the "cell."

The Applicant has amended formerly dependent claim 16 to include all the limitations of the base claim and any intervening claims. The scope of claim 16 has not changed. Rather, claim 16 has been rewritten in independent form.

The Applicant has amended claims 18, 19, and 20 to depend from claim 16. These claims originally depended on claim 15, now cancelled.

CONCLUSION

The Applicant is simultaneously filing an Appeal Brief in a separate paper. In light of the amendments and the remarks made herein and the remarks presented in the Appeal Brief, the Applicant respectfully requests entry of this Amendment and allowance of claims 1-14 and 16-23. Notification to that effect is earnestly solicited. A marked-up version of the claims indicating the amendments made herein is attached to the end of this Amendment.

The undersigned is available for telephone consultation at any time.

Respectfully submitted,

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11.   (Amended) A dynamic sortation system as claimed in claim 9, wherein [each] the cell is divided into at least two zones.

15.   (Canceled).

16.   (Amended) A method of sorting a plurality of items by destination in a robotic system, the method comprising:

defining a plurality of locations in a robotic cell, where each location is a position for a container; [A method as claimed in claim 15, further comprising]

assigning each location a speed of loading rating;

creating a scheme of destinations;

reading a destination code from each of the plurality of items;

determining whether the destination code is assigned a location;

if the destination code is assigned a location, picking up the item and loading the item in a container at the assigned location;

if the destination code is not assigned a location, determining whether to assign the destination code a location based on whether the destination code is in the scheme of destinations and the historical number of items having the same destination code.

18.   (Twice amended) A method as claimed in claim [15] 16, further comprising:

recirculating an item when a determination is made not to assign the destination code a location.

19.   (Amended) A method as claimed in claim [15] 16, further comprising:

rejecting an item when a determination is made not to assign the destination code a location.

20.   (Amended) A method as claimed in claim [15] 16, wherein determining whether to assign the destination code is further based on reviewing a set of restrictions.

24.   (Canceled).

25.   (Canceled).